

Before the Board of Zoning Adjustment, D. C.

Application No. 11714, of Free Evangelistic Church, Inc., pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to allow the construction of an electric substation with non-rotating equipment as provided by Section 3101.43 in the R-5-A Zone located at 3302 15th Street, S. E., Lot 800 and parcels 229/18, 229/29, Square 5912.

FINDINGS OF FACT:

1. The subject property is owned by the Free Evangelistic Church, Inc., who has entered into a contract to sell the subject property to the applicant in this case, contingent on the outcome of the Board's decision in this matter.

2. The applicant, Pepco, requests approval to construct an electric substation with non-rotating equipment in order to supply electrical power to citizens of the District of Columbia residing in Service Area No. 4.

3. The proposed new substation is designed to supplement the **energy** supplied by the older 4kV substation presently servicing the area.

4. As indicated by Section 3101.42 of the Regulations, an electric substation with non-rotating equipment may be located in a residential zoned district, "subject to such requirements for setbacks, screening, or other safeguards as the Board shall deem necessary for the protection of the neighborhood."

5. The Department of Highways & Traffic of the District of Columbia reported on the subject application and stated that no adverse traffic problems should be caused by the proposed substation.

6. The applicant needs to construct the proposed substation facility to insure that the applicant utility company can deliver the load of electricity required in this section of Southeast Washington, D. C., and Prince Georges County, in the case of increase of load which is projected by the applicant.

7. The proposed neighborhood in the vicinity of the proposed substation site is predominantly multiple and single-family dwellings, residential in nature, with school uses, churches, playgrounds, cemeteries, stores, and other facilities necessary to support this type of neighborhood.

8. The subject property which is to be purchased by applicant for the purpose of this application is approximately 53,000 square feet in area.

9. The proposed building which would house the electric substation would cover 18% of the lots upon which it would be located.

10. The applicant proposes to provide eleven parking spaces at the proposed facility, which are to be used by men who would stop by to check the meters and operation of the substation.

11. The proposed electric substation would be contained in a building 127 feet long by 83 feet 6 inches long, and 40 feet in height.

12. The building would be vented on top with no windows, and constructed of dark brown masonry brick.

13. The subject property is unimproved land.

14. All equipment of the proposed substation is contained within a structure, unexposed except through vents on top of the structures.

15. The applicant proposes to construct a chain link fence around the proposed substation together with a wood bollard barrier located on the property line facing Camp Sims, on the property line which is located south of and bordering along driveway entrance to the substation, and on the western property line of the subject property facing 15th Street, S. E.

16. The entrance to the exit from the access road of the proposed substation is located on 15th Street, S. E.

17. Opposition was registered at public hearing to the application. Residents of the neighborhood testified in opposition on grounds that the subject property could be put to a use more beneficial to the community. A member of the opposition further testified that members of the community have been trying to persuade the District Government to purchase the subject property for use of the community as a park and as a site for a community college.

18. An employee of the District of Columbia's Office of Planning and Management requested the Board to withhold consideration of this application pending a study and report of the highest and best use of the subject property.

19. The Board finds that subject property is privately owned by the applicant.

20. The Board finds that the proposed structure is set back from the property line at a distance which would provide protection for the neighborhood, and screened adequately by coniferous, deciduous, and flowering trees along all property lines together with chain link fencing and wooden barriers to allow adequate protection to the neighborhood.

21. The Chairman of B.D.S., Incorporated, property owner of all abutting property south of the subject property, testified in support of this application on grounds that for the past five (5) years the company has experienced continuous failure of the delivery of electrical power to the apartment units it owns.

22. The equitable owners of the subject property (Pepco), have attempted to assemble property for the construction of a substation in other locations of South East Washington, D. C., to no avail.

OPINION AND CONCLUSIONS OF LAW:

Based upon the foregoing Findings of Fact, the Board is of the opinion that this application should be granted. The Board has considered the opposition's argument in this case, however, the Board concludes, because of the present fee simple ownership of the subject property by the applicant and the applicant's right to sell, that the proposals for alternative uses of this property cannot be given weight by this Board under our jurisdiction to hear and decide the applicant's request for a special exception under these Regulations, when the Government has not acquired the property and the owner has consented to this application.

The Board is further of the opinion that the design, construction, location of substation structure, the proposed fencing and landscaping of the subject property, one adequate safeguards to protect the neighborhood from the consequences of the location of the proposed substation.

ORDERED: That the subject application be GRANTED in accordance with the revised plans submitted by the applicant identified as "Revised" Exhibit Plans A, approved by the Board on September 24, 1974.

VOTE: 3-0, (Mr. Klauber and Lilla Burt Cummings, Esq. not present, not voting, not having heard the case.)

HEARING DATE: August 21, 1974, and September 18, 1974
EXECUTIVE SESSION: September 24, 1974

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: OCT 23 1974

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.